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PATENT



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*C. Healion*  
C. Healion

Applicant : Henry Samuelli, et al.  
Application No. : 09/819,049  
Filed : January 20, 1998  
Title : SYSTEM FOR, AND METHOD OF, PROCESSING QUADRATURE  
AMPLITUDE MODULATED SIGNALS

Docket No. : 39521/RJP/B600

RESPONSE TO DECISION GRANTING PETITION

Commissioner for Patents  
Washington, D.C. 20231  
Box: DAC  
Attn: Office of Petitions  
Petitions Attorney Nancy Johnson

Post Office Box 7068  
Pasadena, CA 91109-7068  
August 2, 2002

Commissioner:

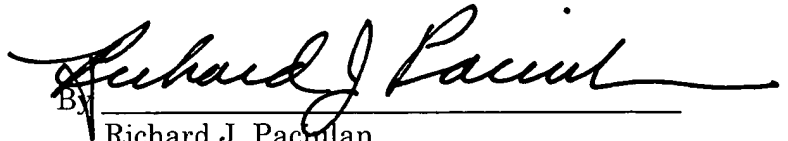
In the Decision Granting Petition mailed on June 25, 2002 in the above referenced application, the Petitions Examiner indicated that D. Bruce Prout was not of record in the application and that, accordingly, Richard J. Paciulan could not be appointed as associate attorney (appointment document enclosed).

The Applicants, however, believe that Mr. Prout was an attorney of record and therefore could make the associate attorney appointment. In support thereof, enclosed please find a Substitution of Attorney by Assignee for U.S. Patent 5,754,591 (Appl. No. 285,504) appointing Mr. Prout as an attorney of record. Such Appl. No. 08/285,504 was the subject matter for which the Petition was filed and Granted as to Appl. No. 09/819,049 being a continuation application of 08/285,504.

Accordingly, the Applicants submit that the appointment of Mr. Paciulan as associate attorney by Mr. Prout was proper since the Assignee of the entire interest appointed Mr. Prout as one of the principal attorneys "with power to appoint associate attorneys" and who "... are hereby appointed to prosecute and to transact all business in the Patent and Trademark Office connected herewith."

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

  
By \_\_\_\_\_

Richard J. Paciulan  
Reg. No. 28,248  
626/795-9900  
Attorney for Applicant

RJP/cah

Enclosures: Decision Granting Petition  
U.S. Patent 5,754,591 Cover Page  
Substitution of Attorney by Assignee  
Associate Power of Attorney

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Christie, Parker & Hale, LLP

Paper No. 8

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JUN 25 2002

OFFICE OF PETITIONS

In re Application of  
Samueli, et al.  
Application No. 09/819,049  
Received: January 20, 1998  
Title: SYSTEM FOR, AND METHOD OF,  
PROCESSING QUADRATURE AMPLITUDE  
MODULATED SIGNALS

:  
: DECISION GRANTING  
: PETITION  
:

334.241  
39521 ACTION *Petition Granted*  
REMINDER \_\_\_\_\_ DUE DATE \_\_\_\_\_  
DEADLINE \_\_\_\_\_

This is a decision on the renewed petition filed March 21, 2002, requesting that a continued prosecution application (CPA) under 37 CFR 1.53(d) based on prior application No. 08/285,504 be treated as an application filed under 37 CFR 1.53(b) and be accorded a filing date of January 20, 1998.

The initial petition was dismissed in a decision mailed January 28, 2002 on the basis that the petition did not include a copy of the prior complete application as originally filed, including the specification, drawings and signed oath/declaration<sup>1</sup>. It was further requested that petitioner supply on reconsideration a copy of the preliminary amendment filed on January 20, 1998, and the power of attorney filed on June 5, 2000.

On request for reconsideration, petitioner has submitted a copy of the prior complete application as originally filed, including 57 pages of specification, 5 sheets of drawings (Figs. 1, 2A, 2B, 4-9) and the executed declaration. In addition, petitioner submitted a copy of the preliminary amendment filed January 20, 1998.

In view thereof, the petition is GRANTED.

<sup>1</sup> A petition to accept and treat an improper application filed under 37 CFR 1.53(d) as a proper application under 37 CFR 1.53(b) must include: (1) the \$130.00 petition fee; and (2) a copy of the complete nonprovisional application, as filed, designated as the prior nonprovisional application in the application papers filed under 37 CFR 1.53(d).

Receipt of the associate power of attorney is acknowledged. However, as "D. Bruce Prout" is not of record in this application, the associate power of attorney cannot now be accepted. It is noted that the copy of power of attorney filed on June 5, 2000, was not included on petition. Accordingly, the file may be missing the appointment of attorney documents appointing "D. Bruce Prout" as principal attorney and thus, authorizing his appointment of "Richard J. Paciulan" as associate attorney. To associate attorney Paciulan, a request by an attorney or agent of record, all of the inventors, or an assignee(s) (of the entire right, title and interest) who has established the right to take action in this application is required.

As the check filed June 5, 2000 is not of record in this application (or application No. 08/285,504), the petition fee is being satisfied by being charged to Deposit Account No. 03-1728, as authorized.

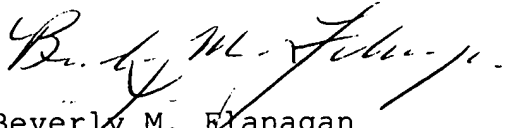
Now that this petition is being granted, if appropriate<sup>2</sup>, USPTO records will be corrected to show that the \$652.00 filing fee paid on January 20, 1998, in application No. 08/285,504, was actually paid in application No. 09/819,049.

This application is being forwarded to the Office of Initial Patent Examination (OIPE):

- with a filing date of January 20, 1998, using the copies of the originally filed application papers received on petition filed March 21, 2002.

Applicants will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OIPE.

Telephone inquiries related to this decision should be directed to Petitions Attorney Nancy Johnson at (703) 305-0309.

  
Beverly M. Eganagan  
Supervisory Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

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<sup>2</sup> A further financial review of application No. 08/285,504 is necessary in order to determine if those fees were used to satisfy any fees due in application No. '504, and thus, are not available to be applied to this application.